

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PENDLETON DIVISION

SERGIO MIGUEL ZAMBRANO,

Plaintiff,

v.

**OREGON DEPARTMENT OF
CORRECTIONS et al.,**

Defendants.

Case No. 2:22-cv-00443-SB

OPINION AND ORDER

MOSMAN, J.,

On December 29, 2022, Magistrate Judge Stacie F. Beckerman issued her Findings and Recommendation (“F&R”) [ECF 44] recommending that this Court deny Plaintiff’s Motion for Preliminary Injunction [ECF 24] and deny Plaintiff’s Motion for Class Certification and Appointment of Class Counsel [ECF 33]. Plaintiff filed objections [ECF 48], to which Defendants responded [ECF 52]. Upon review, I agree with Judge Beckerman. I DENY the Motion for Preliminary Injunction and DENY the Motion for Class Certification and Appointment of Class Counsel.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but


retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge Beckerman's recommendation, and I ADOPT the F&R [ECF 44]. I DENY Plaintiff's Motion for Preliminary Injunction [ECF 24] and DENY Plaintiff's Motion for Class Certification and Appointment of Class Counsel [ECF 33].

IT IS SO ORDERED.

DATED this 10th day of March, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge